

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

MARK A. ARTHUR, CIRILO  
MARTINEZ, and PARI NAJAFI,  
on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SALLIE MAE, INC.,

Defendant.

Class Action No. 10-CV-00198-JLR

NOTICE OF APPEAL



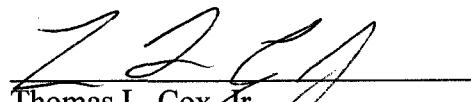
OCT 17 2012

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

TO THE HONORABLE JAMES L. ROBART:

Notice is hereby given that Sara Sibley and Judith Brown ("Objectors"), hereby appeal to the United States Court of Appeals for the Ninth Circuit, from Order 265, Order 266, and Order 267 (attached) all of which were entered on September 17, 2012.

Respectfully submitted,



Thomas L. Cox, Jr.  
Texas Bar 04964400  
4934 Tremont  
Dallas, TX 75214  
(469) 531-3313 Fax: (214) 855-7878  
[tcox009@yahoo.com](mailto:tcox009@yahoo.com)

ATTORNEY FOR SARA SIBLEY AND  
JUDITH BROWN

10-CV-00198-APP



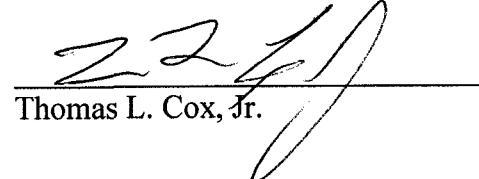
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Objection was forwarded this 16<sup>th</sup> day of October, 2012, to the parties listed below:

Clerk of the Court  
U.S. District Court  
Western District of Washington  
700 Stewart Street  
Suite 2310  
Seattle, WA 98101

Lisa M. Simonetti  
Stroock & Stroock & Lavan LLP  
2029 Century Park East, 16th Floor  
Los Angeles, CA 90067

Daniel M. Hutchinson  
Lieff Cabraser Heimann & Bernstein LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111

  
\_\_\_\_\_  
Thomas L. Cox, Jr.

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THE HONORABLE JAMES L. ROBART

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

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MARK A. ARTHUR, CIRILO MARTINEZ,  
PARI NAJAFI, and HEATHER MCCUE, on  
behalf of themselves and all others similarly  
situated,

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Plaintiffs,

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v.

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SALLIE MAE, INC.,

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Defendant.

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JUDITH HARPER,

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Plaintiff/Intervenor,

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v.

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ARROW FINANCIAL SERVICES, LLC,

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Defendant.

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CLASS ACTION

NO. 10-cv-00198-JLR

~~[PROPOSED]~~ ORDER APPROVING  
CLASS COUNSEL'S MOTION FOR  
AWARD OF ATTORNEYS' FEES  
AND COSTS AND SERVICE  
AWARDS IN CONNECTION WITH  
AMENDED SETTLEMENT

1 Class Counsel's Motion For Award of Attorneys' Fees and Costs and Service Awards in  
 2 Connection With Amended Settlement ("Fee Motion") came before the Court for hearing on  
 3 September 14, 2012, pursuant to this Court's April 2 & 3, 2012 Orders granting preliminary  
 4 approval to the proposed Amended Settlement. *See* Dkt. Nos. 215, 216. The Court has read and  
 5 considered the Fee Motion, all supporting declarations and all other materials relating to the Fee  
 6 Motion.

7 **I. THE REQUESTED AWARD OF ATTORNEYS' FEES IS APPROPRIATE**  
**UNDER THE PERCENTAGE-OF-THE-FUND METHOD**

8 "Attorneys' fees provisions included in proposed class action settlement agreements are,  
 9 like every other aspect of such agreements, subject to the determination whether the settlement is  
 10 'fundamentally fair, adequate, and reasonable.'" *Staton v. Boeing Co.*, 327 F.3d 938, 963 (9th Cir.  
 11 2003) (quoting Fed. R. Civ. P. 23(e)). Courts have the discretion to choose either the  
 12 "lodestar/multiplier" method or the "percentage" method to determine a reasonable attorneys' fee.  
 13 *Hanlon v. Chrysler Group*, 150 F.3d 1011, 1029 (9th Cir. 1998). "[U]se of the percentage  
 14 method in common fund cases appears to be dominant." *In re Omnivision Techs, Inc.*, 559 F.  
 15 Supp. 2d 1036, 1046 (N.D. Cal. 2008). By contrast, courts rely on the lodestar method under  
 16 circumstances not applicable here, *i.e.*, when "there is no way to gauge the net value of the  
 17 settlement or of any percentage thereof." *Hanlon*, 150 F.3d at 1029. As this is a common fund  
 18 case, the Court will evaluate Class Counsel's fee application pursuant to the percentage-of-the-  
 19 fund method.

20 The benchmark for an attorneys' fee award in the Ninth Circuit is twenty-five percent of  
 21 the common fund. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047-48 (9th Cir. 2002); *Torrissi*  
 22 *v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1376 (9th Cir. 1993). Factors that federal courts in the  
 23 Ninth Circuit use to determine the reasonableness of fees under the percentage-of-the-fund  
 24 approach include: (1) the results achieved (including results beyond the benefits of a cash fund);  
 25

1       (2) the risk involved with the litigation; (3) the contingent nature of the fee; and (4) awards made  
 2       in similar cases. *Vizcaino*, 290 F.3d at 1048.

3           The Court has considered these factors and determines that the requested award of  
 4       attorneys' fees and reimbursement of expenses of \$4,830,000.00—20 percent of the common  
 5       fund—is appropriate. First, the Amended Settlement provides meaningful equitable and  
 6       monetary relief—the largest TCPA settlement of which Class Counsel and the Court are aware—  
 7       and it reflects the diligent work of skilled and experienced Class Counsel. Second, the risks  
 8       involved in this litigation were notable given the evolving state of the law impacting Plaintiffs'  
 9       TCPA claims and Sallie Mae's numerous potential affirmative defenses. Furthermore, by  
 10      agreeing to litigate this case on a contingency basis, Class Counsel risked their own resources  
 11      with no guarantee of recovery. Finally, the percentage fee requested is consistent with or lower  
 12      than the fees and costs awarded in cases involving similar TCPA claims and/or similarly sized  
 13      class settlements.

14      **II. CLASS COUNSEL'S REQUEST FOR REIMBURSEMENT OF COSTS IS**  
 15      **REASONABLE**

16           The Court further finds that Class Counsel's request for reimbursement of costs is also  
 17       reasonable, particularly in light of the fact that Class Counsel do not seek costs in addition to the  
 18       \$4.83 million requested fee. The Ninth Circuit allows recovery of pre-settlement litigation costs  
 19       in the context of class action settlement. *Staton*, 327 F.3d at 974; *In re Media Vision Tech. Sec.*  
 20       *Litig.*, 913 F. Supp. 1362, 1366 (N.D. Cal. 1996). Reimbursement of reasonable costs is fully in  
 21       keeping with applicable law. Throughout the course of this litigation, Class Counsel incurred  
 22       out-of-pocket costs totaling \$134,114.61.<sup>1</sup> Based on a review of Class Counsel's expense reports,  
 23       the Court is satisfied that the requested costs are relevant to the litigation and reasonable in  
 24       amount.

25  
 26       <sup>1</sup> See Selbin Decl. ¶¶ 65-66, Ex. C; Terrell Decl. ¶ 16, Ex. B; Wilson Decl. ¶ 7, Ex. C;  
       Swigart Decl. ¶ 8, Ex. B; Kazerounian Decl. ¶ 8.

**III. SERVICE AWARDS FOR THE NAMED PLAINTIFFS ARE APPROPRIATE**

Plaintiffs request combined service payments of \$7,500.00, consisting of \$2,500.00 payments to the Mark Arthur, Cirilo Martinez, and Pari Najafi. The trial court has discretion to order service awards to be paid to class representatives. *In re Mego Fin'l Corp. Sec. Litig.*, 213 F.3d 454, 463 (9th Cir. 2000); *Pelletz v. Weyerhaeuser Co.*, 592 F. Supp. 2d 1322, 1329 (W.D. Wash. 2009). Here, the record indicates that Plaintiffs Arthur, Martinez, and Najafi contributed to the litigation by: (1) assisting counsel with the preparation of the complaints and amended complaints; (2) producing relevant documents and responding to other informal written discovery; (3) staying abreast of the multiple rounds of settlement negotiations; (4) reviewing the (original and amended) settlement terms; and (5) preparing and submitting declarations to the Court.<sup>2</sup> The Court finds these contributions to the litigation and settlement process sufficient to warrant the requested Service Awards. When compared to service awards in other cases, the \$2,500 payments requested here are justified.<sup>3</sup>

\* \* \*

The Court having considered all papers filed and proceedings had herein, and otherwise being fully informed, and good cause appearing therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

1. This Court hereby finds and concludes that due and adequate notice has been directed to all persons and entities who are Class Members as required in this Court's April 3, 2012 (Dkt. No. 216), advising them of Class Counsel's intent to seek attorneys' fees and costs and Service Awards, and of their right to object thereto.<sup>4</sup>

<sup>2</sup> See Declarations of Mark Arthur, Cirilo Martinez, and Pari Najafi.

<sup>3</sup> See *Pelletz*, 592 F. Supp. 2d at 1329-30 & n.9 (approving \$7,500 service awards and collecting decisions approving awards ranging from \$5,000 to \$40,000); *Grays Harbor Adventist Christian Sch. v. Carrier Corp.*, 2008 U.S. Dist. LEXIS 106515, at \*16 (W.D. Wash. Apr. 24, 2008) (approving \$3,500 awards).

<sup>4</sup> See generally Declaration of Jennifer Keough.

1           2. A full and fair opportunity was accorded to all such persons and entities to be  
 2 heard with respect to the Fee Motion.

3           3. The Court hereby grants Class Counsel's request for fees in the amount of  
 4 \$4,830,000.00. That award amounts to 20 percent of the common fund, less than the 25 percent  
 5 benchmark. When Class Counsel's expended costs of \$134,114.61 are deducted, the remaining  
 6 fee approximates 19% of the common fund.

7           4. In addition to any relief they may receive under the Amended Settlement  
 8 Agreement, the Court approves payment of a \$2,500.00 incentive payment to Mark Arthur, Cirilo  
 9 Martinez, and Pari Najafi.

10          5. The awarded attorneys' fees and costs shall be paid pursuant to the terms,  
 11 conditions and obligations of the Amended Settlement Agreement, which provides for payment to  
 12 an escrow account in three tranches. The payment of the awarded fees and costs is conditioned  
 13 on the Stipulated Undertaking for Repayment of Attorneys' Fees and Costs, which has been  
 14 signed by the parties and was approved by this Court on April 3, 2012.

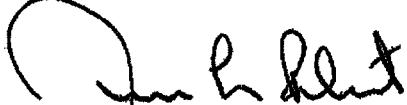
15          6. The awarded fees and expenses shall be directed to Class Counsel for distribution  
 16 in a manner that reflects each firm's contribution to the initiation, prosecution and resolution of  
 17 this litigation. The Court authorizes the Class Counsel firm of Lieff Cabraser Heimann &  
 18 Bernstein, LLP to allocate the fee award among the Plaintiffs' firms.

19          \\  
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1       7. Without affecting the finality of this Order, the Court reserves continuing and  
2 exclusive jurisdiction over parties to the Amended Settlement Agreement to settle any disputes  
3 related to the allocation of the costs and fees awarded by this Order.

4                   IT IS SO ORDERED.  
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6 Dated: September 17, 2012

  
The Honorable James L. Robart  
United States District Judge

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1 THE HONORABLE JAMES L. ROBART  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

8 MARK A. ARTHUR, CIRILO MARTINEZ,  
9 PARI NAJAFI, and HEATHER MCCUE, on  
behalf of themselves and all others similarly  
situated,

10 Plaintiffs,

11 v.

12 SALLIE MAE, INC.,

13 Defendant.

15 JUDITH HARPER,

16 Plaintiff/Intervenor,

17 v.

18 ARROW FINANCIAL SERVICES, LLC,

Defendant.

CLASS ACTION

NO. 10-cv-00198-JLR

~~PROPOSED~~ SETTLEMENT ORDER  
AND FINAL JUDGMENT

(Clerk's Action Required)

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1           THIS MATTER came before the Court for final approval of the proposed amended class  
 2 settlement. The Court has considered all papers filed and proceedings in this matter and held a  
 3 hearing on September 14, 2012, at which time the parties and all other interested persons were  
 4 afforded the opportunity to be heard in support of and in opposition to the proposed Amended  
 5 Settlement. Based on the papers filed with the Court and presentations made to the Court at the  
 6 hearing, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

7           1.       The definitions and provisions of the Amended Settlement Agreement ("Amended  
 8 Agreement") are hereby incorporated as though fully set forth herein. For purposes of this  
 9 Settlement Order and Final Judgment, all capitalized terms used hereafter shall have the meaning  
 10 ascribed to them in the Amended Agreement, unless otherwise noted.

11          2.       The Court has jurisdiction over the subject matter of the Amended Agreement with  
 12 respect to and over all parties to the Amended Agreement, including all Settlement Class  
 13 Members.

14          3.       The Court hereby approves the Amended Settlement, including the plans for  
 15 implementation and distribution of the settlement relief, and finds that the Amended Settlement  
 16 is, in all respects, fair, reasonable and adequate to the Settlement Class Members, within the  
 17 authority of the parties and the result of extensive arm's length negotiations.

18          4.       The Court has considered and balanced: (1) the strength of the plaintiffs' case; (2)  
 19 the risk, expense, complexity, and likely duration of further litigation; (3) the risk of maintaining  
 20 class action status throughout the trial; (4) the amount offered in settlement; (5) the extent of  
 21 discovery completed and the stage of the proceedings; (6) the experience and views of counsel;  
 22 (7) the presence of a governmental participant; and (8) the reaction of class members to the  
 23 proposed settlement. *Churchill Village LLC v. General Electric*, 361 F.3d 566, 575 (9th Cir.  
 24 2004). As an initial matter, there is no evidence before the Court of fraud or collusion underlying  
 25 the settlement. The settlement was achieved after extensive arm's length negotiations and

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1 multiple in-person mediations before Judge Infante. Additionally, the relevant *Churchill* factors  
 2 weigh in favor of approving the Amended Settlement. The parties are well-informed about the  
 3 strengths and weaknesses of each others' claims and defenses, and Plaintiffs recognize that there  
 4 is significant risk in continuing with the litigation, in part because of the novelty of central issues.  
 5 Continued litigation undoubtedly would have involved additional discovery and motions practice,  
 6 trial, the related expenses for all parties, and an appeal on the part of Sallie Mae if it lost at trial.  
 7 Courts have split on class certification in TCPA cases, increasing the risk of maintaining the class  
 8 action through trial. The amount of the Fund is the largest TCPA recovery to Class Counsel's  
 9 knowledge, and Class Members who timely submitted claim forms will receive over \$100 each.  
 10 The Parties have conducted formal and informal discovery and a thorough evaluation of  
 11 Plaintiffs' legal claims. Class Counsel are experienced in class litigation and view the Amended  
 12 Settlement as fair, reasonable, and adequate. The response to the Amended Settlement has been  
 13 generally positive and only a tiny fraction of the Class objected or opted-out.

14       5.     The Court has considered all objections to the Settlement and Amended  
 15 Settlement, including the Objections of Thomas L. Cox Jr., filed on behalf of Class members Sara  
 16 Sibley and Judith Brown on December 13, 2010, and July 19, 2012; the Objection of Franklin L.  
 17 Dejulius, filed on December 13, 2010; the Objection of Paula Newman, filed on December 13,  
 18 2010; the Objection of Maureen R. Smith, filed on December 13, 2010; the Objection of Donna  
 19 Judkins, filed on October 29, 2010; the Objection of Melissa Felt, filed on October 28, 2010; the  
 20 Objection of Julia Nuth, filed on November 29, 2010; the Objection of Mohieldin M. Suliman,  
 21 filed on November 2, 2010; the Objection of James William Harrison, filed on December 7, 2010;  
 22 the Objection of Veronica Best dated October 8, 2010; the Objection of Leonyer Marie  
 23 Richardson, dated October 20, 2010; the Objections of Patrick Sweeney and Sasha McBeam,  
 24 filed on December 13, 2010; the Objection of Carlos Sherrod, dated October 8, 2010; the  
 25 Objection of Gabriela Heath, filed on December 14, 2010; the Objection of Kevin Porter, filed on  
 26

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1 April 28, 2011; the Objection of Azikiwe Daniels, filed on April 29, 2011; the Objection of  
 2 Walter Price, filed on May 4, 2011; the Objection of Nicolasa Velez, filed on July 9, 2012; the  
 3 Objection of Christopher Hutchins, filed on July 9, 2012; the Objection of Brian Morgan, filed on  
 4 July 5, 2012; the Objection of Rebecca Ann Keiser, filed on October 29, 2010; the Objection of  
 5 Daniel Palos, filed on June 27, 2012; the Objection of Brenda Gordon, filed on July 5, 2012; and  
 6 the Objections filed by attorney Donald A. Yarbrough on December 16, 2010, and July 9, 2012,  
 7 on behalf of Joseph Fostano, Khalilah Mendez, Mauva Thompson, Nicole Berg, James Fiano,  
 8 Lawrence Sclafani, Kenyatta Thomas, Lysenia Muir, and Adalys Ayarsa. After careful  
 9 consideration, the Court finds that these objections are meritless and they are hereby overruled.  
 10

11       6. Pursuant to Federal Rule of Civil Procedure 23(c), the Court certifies, for  
 12 settlement purposes only, the following Amended Settlement Class:

13       All persons to whom, on or after October 27, 2005 and through September 14,  
 14 2010, Sallie Mae, Inc. or any other affiliate or subsidiary of SLM Corporation  
 15 placed a non-emergency telephone Call to a cellular telephone through the use of  
 16 an automated dialing system and/or an artificial or prerecorded voice. Excluded  
 17 from the Amended Settlement Class are SLM Corporation, Sallie Mae, Inc. and  
 18 any other affiliate or subsidiary of SLM Corporation, and any entities in which  
 19 any such companies has a controlling interest, the Judge to whom the Action is  
 20 assigned and any member of the Judge's staff and immediate family, as well as all  
 21 persons who validly request exclusion from the Settlement Class.

22       7. This Settlement Order and Final Judgment does not constitute an expression by the  
 23 Court of any opinion, position or determination as to the merit or lack of merit of any of the  
 24 claims or defenses of Plaintiffs, the Settlement Class Members or Defendant Sallie Mae, Inc.  
 25 Neither the Amended Agreement, nor any act performed or document executed pursuant to or in  
 26 furtherance of the Amended Settlement: (a) is or may be deemed to be or may be used as an  
 admission of, or evidence of, the validity of any Released Claim, or of any wrongdoing or  
 liability of the Released Parties; (b) is or may be deemed to be or may be used as an admission of,  
 or evidence of, any fault or omission of the Released Parties in any civil, criminal or  
 administrative proceeding in any court, administrative agency or other tribunal; or (c) is or may

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1 be deemed to be a waiver of Sallie Mae's right to seek to enforce any arbitration provision in  
 2 other cases or against persons in the Settlement Class who opt out of the Amended Settlement. In  
 3 addition, neither the fact of, nor any documents relating to, Sallie Mae's withdrawal from the  
 4 Amended Settlement, any failure of the Court to approve the Amended Settlement and/or any  
 5 objections or interventions may be used as evidence for any purpose whatsoever. The Released  
 6 Parties may file the Amended Agreement and/or this Judgment in any action or proceeding that  
 7 may be brought against them in order to support a defense or counterclaim based on principles of  
 8 res judicata, collateral estoppel, release, good faith settlement, judgment bar or reduction or any  
 9 other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

10       8. This Court hereby dismisses this action with prejudice as to all Settlement Class  
 11 Members except those who have timely and properly excluded themselves from the Settlement  
 12 Class. Exhibit A, attached hereto, sets forth the names of those individuals who have timely and  
 13 properly excluded themselves from the Settlement Class.

14       9. Upon the date this Judgment becomes final, Plaintiffs and each Settlement Class  
 15 Member, their respective heirs, executors, administrators, representatives, agents, attorneys,  
 16 partners, successors, predecessors-in-interest and assigns will be deemed to have fully released  
 17 and forever discharged Sallie Mae, Inc., its parent company SLM Corporation, and each and all of  
 18 their respective present, former and future direct and indirect parent companies, affiliates,  
 19 subsidiaries, agents, successors, and predecessors-in-interest (including Asset Performance  
 20 Group, LLC; General Revenue Corporation; Pioneer Credit Recovery, Inc.; Sallie Mae, Inc.;  
 21 SLM DE Corporation; SLM Financial Corporation; Student Assistance Corporation; Academic  
 22 Management Services Corp.; Academic Management Services, Inc.; AFS US, Inc.; AFS-HOV  
 23 LLC; AMS Education Loan Trust; Arrow Financial Services, LLC; Arrow Financial  
 24 International, LLC; Arrow Global, LLC; Asset Performance Group, Inc.; GRP/AG Holdings,  
 25 LLC; GRP Financial Services Corp.; Nellie Mae Corporation; Nellie Mae Holding LLC; Noel-

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1 Levitz, Inc.; Pioneer Mortgage Inc.; Sallie Mae Bank; Sallie Mae – Canada Financial  
 2 Corporation; Sallie Mae Education Trust; Sallie Mae Home Loans, Inc.; SLM Corporation; SLM  
 3 Education Credit Finance Corporation; SLM Education Loan Corp.; SLM Mortgage Corporation;  
 4 Southwest Student Services Corporation; Student Loan Finance Association, Inc.; Student Loan  
 5 Funding Resources LLC; TrueCareers, Inc.; Upromise, Inc.; Upromise Investments, Inc.; and  
 6 USA Group Loan Services, LLC) and all of the aforementioneds' prior, current and future  
 7 respective officers, directors, employees, attorneys, shareholders, agents, independent contractors,  
 8 vendors, and assigns (the "Released Parties") from any and all rights, duties, obligations, claims,  
 9 actions, causes of action or liabilities, whether arising under local, state or federal law, whether by  
 10 Constitution, statute, contract, rule, regulation, any regulatory promulgation (including, but not  
 11 limited to, any opinion or declaratory ruling), common law or equity, whether known or  
 12 unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or  
 13 contingent, liquidated or unliquidated, punitive or compensatory as of the date of the Final  
 14 Approval Order: (a) that arise out of or are related in any way to the use of an "automatic  
 15 telephone dialing system" or an "artificial or prerecorded voice" to contact a cellular telephone  
 16 (to the fullest extent that those terms are used, defined or interpreted by the Telephone Consumer  
 17 Protection Act, 47 U.S.C. § 227, *et seq.*, relevant regulatory or administrative promulgations and  
 18 case law) used by any of the Released Parties in connection with efforts to contact or attempt to  
 19 contact Settlement Class Members including, but not limited to, claims under or for violations of  
 20 the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, Washington's Automatic  
 21 Dialing and Announcing Device statute, Wash. Rev. Code § 80.36.400, *et seq.* and any other  
 22 statutory or common law claim arising from the use of automatic telephone dialing systems or an  
 23 artificial or prerecorded voice, including any claim under or for violation of federal or state unfair  
 24 and deceptive practices statutes, violations of any federal or state debt collection practices acts  
 25 (including but not limited to, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*),  
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1 invasion of privacy, conversion, breach of contract, unjust enrichment, specific performance  
 2 and/or promissory estoppel; or (b) that arise out of or relate in any way to the administration of  
 3 the Amended Settlement.

4       10. Without limiting the foregoing, the Released Claims specifically extend to claims  
 5 that Settlement Class Members do not know or suspect to exist in their favor at the time that the  
 6 Amended Settlement, and the releases contained therein, becomes effective. The Court finds that  
 7 Plaintiffs have, and the Settlement Class Members are deemed to have, knowingly waived  
 8 California Civil Code section 1542 and any other applicable federal or state statute, case law, rule  
 9 or regulation relating to limitations on releases.

10      11. In aid to this Court's jurisdiction to implement and enforce the Amended  
 11 Settlement, Plaintiffs and all Settlement Class Members and all persons purporting to act on  
 12 behalf of Settlement Class Members are enjoined, directly, on a representative basis or in any  
 13 other capacity, from asserting, commencing, prosecuting or continuing any of the Released  
 14 Claims against Sallie Mae or any of the other Released Parties in any action, arbitration or  
 15 proceeding in any court, arbitral forum or tribunal.

16      12. The Court finds that the program of Class Notice set forth in the Amended  
 17 Agreement and preliminarily approved by the Court was the best practicable notice under the  
 18 circumstances. The Class Notice provided due and adequate notice of these proceedings and of  
 19 the matters set forth therein, including the Amended Agreement, to all parties entitled to such  
 20 notice and satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of  
 21 constitutional due process, and the requirements set forth in *In re Mercury Interactive Corp. Sec.*  
*Litig.*, 618 F.3d 988, 994 (9th Cir. 2010).

22      13. Without affecting the finality of this Settlement Order and Final Judgment in any  
 23 way, the Court retains continuing jurisdiction over: (a) implementation of the Amended  
 24 Agreement and distribution of the settlement relief contemplated by the Amended Agreement,  
 25

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until all acts agreed to be performed pursuant to the Agreement have been performed; and (b) all parties to this action and Settlement Class Members for the purpose of enforcing and administering the Amended Agreement.

14. Neither this Settlement Order and Final Judgment nor the Amended Agreement constitutes an admission or concession by any of the Released Parties of any fault, omission, liability or wrongdoing. This Settlement Order and Final Judgment is not a finding of the validity or invalidity of any claims in this action or a determination of any wrongdoing by the defendant. The final approval of the Amended Agreement does not constitute any opinion, position or determination of this Court, one way or the other, as to the merits of the claims and defenses of Plaintiffs, Sallie Mae or the Settlement Class Members.

15. In the event that the Amended Agreement does not become effective in accordance with its terms, then this Settlement Order and Final Judgment shall be vacated, the Settlement Class shall be decertified and the Amended Agreement and all orders entered in connection therewith shall become null and void and of no further force and effect.

## **IT IS SO ORDERED.**

Dated this 17<sup>th</sup> day of September, 2012.

**UNITED STATES DISTRICT JUDGE**

Presented by:

TERRELL, MARSHALL, DAUDT & WILLIE PLLC

By: /s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #26759  
936 North 34th Street, Suite 400  
Seattle, Washington 98103-8869  
Telephone: 206-816-6603

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1 Jonathan D. Selbin, *Admitted Pro Hac Vice*  
 2 Email: jselbin@lchb.com  
 3 Alison Stocking, *Admitted Pro Hac Vice*  
 4 Email: astocking@lchb.com  
 5 LIEFF, CABRASER, HEIMANN  
 6 & BERNSTEIN, LLP  
 7 250 Hudson Street, 8th Floor  
 8 New York, New York 10013  
 9 Telephone: 212.355.9500  
 10 Facsimile: 212.355. 9592

11 Daniel M. Hutchinson, *Admitted Pro Hac Vice*  
 12 Email: dhutchinson@lchb.com  
 13 LIEFF, CABRASER, HEIMANN  
 14 & BERNSTEIN, LLP  
 15 Embarcadero Center West  
 16 275 Battery Street  
 17 San Francisco, California 94111-3339  
 18 Telephone: 415.956.1000  
 19 Facsimile: 415.956.1008

20 David P. Meyer, *Admitted Pro Hac Vice*  
 21 Email: dmeyer@meyerwilson.com  
 22 Matthew R. Wilson, *Admitted Pro Hac Vice*  
 23 Email: mwilson@meyerwilson.com  
 24 MEYER WILSON CO LPA  
 25 1320 Dublin Road, Suite 100  
 26 Columbus, Ohio 43215  
 27 Telephone: 614.224.6000  
 28 Facsimile: 614.224.6066

29 Joshua Swigart, *Admitted Pro Hac Vice*  
 30 Email: josh@westcoastlitigation.com  
 31 Robert L. Hyde  
 32 Email: bob@westcoastlitigation.com  
 33 David C. Leimbach  
 34 Email: dleimbach@westcoastlitigation.com  
 35 HYDE & SWIGART  
 36 411 Camino Del Rio South, Suite 301  
 37 San Diego, CA 92108-3551  
 38 Telephone: (619) 233-7770  
 39 Facsimile: (619) 297-1022

40 Douglas J Campion, *Admitted Pro Hac Vice*  
 41 Email: doug@djcampion.com  
 42 LAW OFFICES OF DOUGLAS J. CAMPION  
 43 409 Camino Del Rio South, Suite 303  
 44 San Diego, CA 92108-3507  
 45 Telephone: (619) 299-2091  
 46 Facsimile: (619) 858-0034

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1                   Abbas Kazerounian, *Admitted Pro Hac Vice*  
2                   Email: ak@kazlg.com  
3                   KAZEROOUNIAN LAW GROUP  
4                   2700 North Main Street, Suite 1050  
5                   Santa Ana, CA 92866  
6                   Telephone: (800) 400-6806  
7                   Facsimile: (800) 520-5523

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Attorneys for Plaintiffs

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Count	Unique ID	Name	City	St
1	717	MARIEL DESOLEIL	YPSILANTI	MI
2	1397	MICHAEL DIGIACOMO	BROCKTON	MA
3	1432	CINDY H SCHMITZER	ORANGE PARK	FL
4	1498	KENNETH C LAFLEUR	FARMINGTON	MI
5	1500	JUSTINE KIM	MONTROSE	CA
6	1501	CHRISTINE KIM	MONTROSE	CA
7	1502	JUNG LEE	MONTROSE	CA
8	1542	MARIO YARLEQUE	BELLEVILLE	NJ
9	1543	LARRY M MILLER	SOUTH JORDAN	UT
10	1544	BRANDON D TAYLOR	FRANKLIN	GA
11	1545	DANIEL FERNANDEZ	LAS CRUCES	NM
12	1546	STELLA VAUGHN	VERSAILLES	KY
13	1547	ARNOLD WATSON	NORTH HOLLYWOOD	CA
14	9051	LANCE PARMER	MIDDLETOWN	OH
15	12098	RICHARD A MARTIN	KINSTON	AL
16	12577	SHUSHI VANG	GREENSBORO	NC
17	13102	ROBERT D. FLOYD	FORT LAUDERDALE	FL
18	1026955	CARRIE REDDING	CANTON	TX
19	1032076	NICK COLLINS	PHOENIX	AZ
20	1064308	MIA ROJO (DIAZ)	OKLAHOMA CITY	OK
21	1083262	ADELAIDA SALINAS	EDINBURG	TX
22	1126387	DORIS TATE	TUSCALOOSA	AL
23	1244933	LIVIDA DAMIRON	BRONX	NY
24	1252912	MIRIAM RODRIGUEZ	POMPANO BEACH	FL
25	1258755	ERIN VEGA	HAMBURG	NY
26	1294802	VIOLA LOWE	CAPE MAY	NJ
27	1300042	CLARA BOOTS	ELLWOOD CITY	PA
28	1302482	DONNA MURPHY	FALLS CHURCH	VA
29	1345623	DEJERRIS K WEAVER	ATLANTA	GA
30	1438301	MARYLOU PARLATO	DETROIT	MI
31	1441338	KENNETH LAFLEUR	YPSILANTI	MI
32	1449060	JOSEPH H SPANSKI	EASTPOINTE	MI
33	1454663	KENNETH DIXON	CROSSVILLE	TN
34	1466734	REDA TALEB	DEARBORN	MI
35	1507501	ISIAH JOHNSON	GREENEVILLE	TN
36	1543485	CAROL L BRAMANDE	DANIELSON	CT
37	1558399	BENJAMIN M PATNO	HINESBURG	VT
38	1565575	JODIE B HUMPHREY	SEEKONK	MA
39	1568512	LEONARD E PAOLETTI	WOODSTOCK	VA
40	1575265	SUSAN HEWETT	ENCINITAS	CA
41	1593638	ANN M SWEENEY	ROCKPORT	MA
42	1598909	KERRI ANNE BOWERS	THONON-LES-BAINS	
43	1625163	JACOB D KRIEGER	NORTHBOROUGH	MA
44	1645729	JULIE E BROWN	FAIRPORT	NY
45	1647999	RUTH A HOBBS	PLAISTOW	NH
46	1654625	TERRIE LOUD	GLENDALE	CA

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Count	Unique ID	Name	City	St
47	1689758	JOHN M SPIELMAN	SHELTON	CT
48	1698547	ELIZABETH W JOHNSON	SANTA FE	NM
49	1705538	MELODY C COCHRAN	NORWALK	CT
50	1735963	ROCHELLE L LAUZON	BALTIMORE	MD
51	1747964	SUSAN J DEAN	OCALA	FL
52	1748623	PAULA J AVERY	MARION	NY
53	1785599	ROBERT A BOWMAN	SAN DIEGO	CA
54	1798723	MILAGROS A FERNANDEZ	NEW YORK	NY
55	1811414	RITA J CLEMENTE	WATERVLIET	NY
56	1815490	ALLISON H KRAUS	WOODSIDE	NY
57	1844123	JUDITH C JONES	ELLENWOOD	GA
58	1853442	SHERIE HOBBS	QUEENS VILLAGE	NY
59	1869853	OMAR H TAPPER	WINDSOR MILL	MD
60	1874674	BRIDGET C DEZINNO	HACKETTSTOWN	NJ
61	1890713	EDWIN DURAN	YONKERS	NY
62	1898916	TAMARAH J LAMOUR	MATTAPAN	MA
63	1943681	JENICA MARTIN	EAST ORANGE	NJ
64	1945292	MICHAEL GUIDO	CLIFTON PARK	NY
65	1955992	JENNIFER A SANTOS	MIAMI	FL
66	1967823	LEONARDO A CUETO	COOPER CITY	FL
67	1978293	MARGARET LAWSON	NEW YORK	NY
68	1984649	YADIRA E PAGAN	LITTLE NECK	NY
69	2084391	ISABELLE TALLEYRAND	SAN DIEGO	CA
70	2103565	BOBBI A JACOBS-HOOVER	NEW CASTLE	DE
71	2116608	ROSS D BARON	MIAMI	FL
72	2116783	JOHN KIM	MONTROSE	CA
73	2120801	KATHLEEN D JELLY	PATERSON	NJ
74	2160919	AMY L PIERCE	E PETERSBURG	PA
75	2209052	CHERYLE L DIGGS	MINERAL	VA
76	2242867	ERIN C QUAY	ARLINGTON	VA
77	2255673	ROBERT CEBULKO	KINGSTON	PA
78	2267865	KEVIN J NELSON	NEWVILLE	PA
79	2272397	MATTHEW LAZIN	WINTER SPRING	FL
80	2279225	DOMINIQUE E GRAY	ALTOONA	PA
81	2294290	NICHOLAS A ROUNDTREE	LUTHVLE TIMON	MD
82	2366130	AARON T FLETCHER	GEORGETOWN	DE
83	2395438	KATHERINE W STRUM	ASHLAND	OR
84	2444661	KENDRA L ROTUNDO	STEPHEN'S CITY	VA
85	2491143	PAMELA CLEMONS	SHELBY	NC
86	2543118	RENITA M WILLIAMS	NEWPORT NEWS	VA
87	2554258	ANNE FISHER	SAVANAH	GA
88	2560432	JOHN C TOLLA	BEVERLY	MA
89	2569301	TIFFANY N SHIPPY	SPARTANBURG	SC
90	2592807	KACY C KOSSUM	HOUSTON	TX
91	2611497	TOBIAS MEURY	SMYRNA	GA
92	2630252	MITCHELL L PACE	FORT DRUM	NY

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Count	Unique ID	Name	City	St
93	2664391	LAUREN A BEGNAUD	ATLANTA	GA
94	2715397	ROBERT SCHEINBAUM	MONTCLAIR	NJ
95	2730040	DWAYNE A JOHNSON	GENEVA	FL
96	2752737	GINGER WADE	PORT ST LUCIE	FL
97	2762810	MARCUS D MIMS	HOLLYWOOD	FL
98	2765731	MARIO J GARCIA	LOMBARD	IL
99	2765794	JEANNE BEURRIER	HERNANDO	FL
100	2772835	SHERYL GANN	BIG TIMBER	MT
101	2784371	BONNIE L COE	NEWARK	OH
102	2802645	JOHN J COLLINS	OTTAWA	OH
103	2810754	KATHALEEN A HITTLE	LIMA	OH
104	2824253	KYLE J GILLMAN	CLEAR LAKE	IA
105	2879678	JEFFREY L SMITH	ZIONSVILLE	IN
106	2932724	VIRGINIA C ROBINSON	HILLIARD	OH
107	2937063	LINDSAY M CAVAGNARO	MIDDLETOWN	OH
108	2987005	KAREN SHACKLE	ELKHART	IN
109	3044050	DANIEL E BRUBAKER	SOUTH WHITLEY	IN
110	3058749	ALLEN D BUCK	EVANSVILLE	IN
111	3068077	MARY K WHITAKER	GREENWOOD	IN
112	3069290	TOMICA M HACKNEY	INDIANAPOLIS	IN
113	3085013	LAURA L DREYER SCHMIDTBERG	FT WAYNE	IN
114	3113119	REBECKA E ODEN	RICHMOND	VA
115	3125069	ROSELAND K PHERSON	LODI	WI
116	3130298	BRIAN HOFFMAN	CLEVES	OH
117	3139093	SONJA N SHAFFER	TERRE HAUTE	IN
118	3145961	CRYSTAL L COOPER	GALESBURG	IL
119	3175829	ESSIE M JONES	INDIANAPOLIS	IN
120	3196213	MALCOLM J EDMOND	CRAWFORD	MS
121	3228392	SOLOMON JONES	PHILADELPHIA	PA
122	3239925	GAIL M CICHANOWSKI	AUSTIN	TX
123	3269137	MARSHAWN D BOOKER	CHICAGO	IL
124	3277620	KIM S KONKLE	SUMNER	TX
125	3277690	AARON GREEN	CHICAGO	IL
126	3297157	HENRY KURTZ	ZIONSVILLE	IN
127	3306213	JEFFREY ALAN BLENNER	HANOVER PARK	IL
128	3318683	JACQUELINE E CEPHAS	PINEVILLE	LA
129	3364845	SAMANTHA J CARDIN	PORTAGE	IN
130	3435493	JARROD A BARRON	PERRY	MI
131	3494170	MATTHEW B KENZIE	CLAY	MI
132	3506821	TYLIER D SHAW	REDFORD	MI
133	3508815	WILLIAM L WALES	YPSILANTI	MI
134	3512774	JAMIE L PRATT	PHOENIX	AZ
135	3579533	BARRY A STEWART	DETROIT	MI
136	3580262	KAMIL S HAJI	EAST LANSING	MI
137	3587781	ANGEL F JACKLYN	WHITE LAKE	MI
138	3589885	PATRICIA A SOLNER	MC LEAN	VA

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Count	Unique ID	Name	City	St
139	3613283	KATHLEEN KUEHL	SURPRISE	AZ
140	3628740	DAVID J JAWORSKI	SAN ANTONIO	TX
141	3644854	LISA M WILSON	LOS ANGELES	CA
142	3703204	KEVIN A RUTHERFORD	MEMPHIS	TN
143	3715757	PATRICIA A AUSTIN	CROSSVILLE	TN
144	3721070	AMBER N REEVES	SPRINGFIELD	TN
145	3802371	BARBARA ANNE GIBSON	SHAKER HTS	OH
146	3815707	CHRISTALLE D BODIFORD	OCEANSIDE	CA
147	3823487	WESLEY L PHILLIPS	GARDENDALE	AL
148	3830126	KATRINA M FINLEY	COKER	AL
149	3876761	LEROY JAMES	JACKSON	MS
150	3912482	REBECCA A NICHOLS	MILWAUKEE	WI
151	3914877	MATTHEW PERSON	COCONUT GROVE	FL
152	3962557	DENISE M MASON	EL CAJON	CA
153	3972943	KESHIA A CAIN	BRIDGE CITY	LA
154	4001316	LASHARN L DWELLINGHAM	OCEAN SPRINGS	MS
155	4057134	RACHAEL L GREENSTEIN	TAMPA	FL
156	4092275	ASHLEY N CASTLE	MORROW	LA
157	4122896	NANCY C CARRUTH	SOLANA BEACH	CA
158	4144261	JOHNNIE S CAMPBELL	EDMOND	OK
159	4164606	AMY D WOODWORTH	MINCO	OK
160	4231815	ELIZABETH A CRING	CUMBERLAND	VA
161	4232130	ROSA A KEINER	STRAWN	TX
162	4250596	KINGSLEY OGBOGU	ALLEN	TX
163	4264997	ENEDINA SANDOVAL	HOUSTON	TX
164	4268200	ELESTER R DUSHANE	GILBERT	AZ
165	4277351	JOEL RODRIGUEZ	ARLINGTON	TX
166	4279542	CHRISTOPHER L FLUTSCH	SWEETWATER	TX
167	4296481	MATTHEW MURPHY	SAN ANTONIO	TX
168	4298015	CANDACE R MEEKS	CUMBERLAND	VA
169	4298261	RONALD HUNT	UDALL	KS
170	4305178	SHERRY L HUCKABEE	PLANO	TX
171	4312554	DANIEL T BILODEAU	FLAGSTAFF	AZ
172	4322726	DEWHITTE H DAVIS	DALLAS	TX
173	4332036	ATILLA BABACAN	POMPANO BEACH	FL
174	4343527	ELIZABETH M ANDERSON	BAYTOWN	TX
175	4343579	ELIZABETH BRAKEMAN	HUFFMAN	TX
176	4359686	LISA K WEEKLY	MARSHALL	TX
177	4359926	TAMMY YVET BYERS	CANYON	TX
178	4378957	MELISSA SOTO	LEWISVILLE	TX
179	4411796	MARIA V DELEON	FORT WORTH	TX
180	4430981	RAQUEL VILLARREAL	HOUSTON	TX
181	4440513	ASHLEY U TAYLOR	TYLER	TX
182	4455122	JORDAN L HAWKINS	BRAZORIA	TX
183	4456534	BLAKE T STEWART	LAKE DALLAS	TX
184	4474776	MICHAEL S SIMONES	COTTAGE GROVE	MN

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Count	Unique ID	Name	City	St
185	4511377	LEAH M WHELAN	SIOUX FALLS	SD
186	4514269	KEVIN HUGEN	WDM	IA
187	4529009	JAMES M BRINGENBERG	OVERLAND PARK	KS
188	4532814	REBEKA A LOPEZ	ANAHEIM	CA
189	4549704	TAMMI S FULLER	FAIRBURN	GA
190	4550355	DUSTY A BRITTINGHAM	BUTLER	MO
191	4555652	ROBERT A KRESLEY JR	IDAHO SPRINGS	CO
192	4560056	KENNETH H BAER	FESTUS	MO
193	4573728	KATHRYN A MORROW	SEVERN	MD
194	4600601	DAWN M MCCOY	SAINT LOUIS	MO
195	4601866	COTI GOODEN	NEOSHO	MO
196	4607602	SUSAN DEUTSCH	NORWOOD	MO
197	4623500	MICHAEL S GLASSMYER	HASTINGS	NE
198	4626591	SANDI L GRAPE	OMAHA	NE
199	4634033	DANIEL SHESTAK	LINCOLN	NE
200	4676920	HEATHER BELLAMY	FORT WORTH	TX
201	4681240	MEGAN FULLER	NORTHGLENN	CO
202	4685530	KASEY M KING	OPOLIS	KS
203	4695739	ROBERT Y YBARRA II	BILLINGS	MT
204	4762056	MARIA J MARTIN	YAKIMA	WA
205	4766628	ROBIN A ARMSTRONG	GLENDALE	AZ
206	4800951	DEANNA J BODEY	MASON	AZ
207	4813091	ZENA L OLSEN	ALBUQUERQUE	NM
208	4813681	CORY SWENSON	ALCOVA	WY
209	4819519	JERRY CHARLES	FARMINGTON	NM
210	4845046	LACEY C KERN	EVERETT	WA
211	4913070	JESSE J GLENN	PROVO	UT
212	4918847	KURT M RUMMELL	SEASIDE	OR
213	4925799	ANNE M ONEAL	PORTLAND	OR
214	4986396	CHRISTY A MURILLO	ANTIOCH	CA
215	5024054	DEBORAH PERL	VANCOUVER	WA
216	5025831	RICHARD V HIGHLEYMAN	DANA POINT	CA
217	5135377	RODNEY K DEL GRANDE	EUREKA	CA
218	5137345	LINDA K DEVINE	FORT LAUDERDALE	FL
219	5147540	WILLIAM L GRANT	CLAYTON	CA
220	5160485	NICOLETTE J DEL MURO	BROOKLYN	NY
221	5169613	LATONJAA M AUSTIN	HENDERSON	NV
222	5177023	YEVETTE SEEGER	MORENO VALLEY	CA
223	5178696	ALEXANDRA PAULEY	RIVERSIDE	CA
224	5182945	KIMBERLY A CERR	ALAMO	CA
225	5196223	JESSICA TOLEDO	LOS ANGELES	CA
226	5198488	MARK G WILSON	WAILUKU	HI
227	5209230	KAREN D BROWN	VALLEJO	CA
228	5268186	MILTON COX	TEMPLE HILLS	MD
229	5283400	TINA C JONES	SILVER SPRING	MD
230	5293403	NORA MORALES	SAN JUAN	PR

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Count	Unique ID	Name	City	St
231	5303059	REYES MERCEDES	PHILADELPHIA	PA
232	5329192	JULIO FERRER	OAK PARK	CA
233	5330096	JEANNE M DARCHER	PORRTLAND	OR
234	5337190	SHARON L NELSON	TIJERAS	NM
235	5380892	DAVID GOMEZ	MIAMI	FL
236	5396760	BRAXTON HERRING	HIALEAH	FL
237	5405147	TANYA A BARAN	CAPE CORAL	FL
238	5424349	LUIS E CUETO	COOPER CITY	FL
239	5456607	SALAM ABDO	ST AUGUSTINE	FL
240	5520988	DANIEL R ARROYO	NORTH PORT	FL
241	5596144	WARREN C PLUNK	OKLAHOMA CITY	OK
242	5599185	KAREN E MOUNIER	POOLER	GA
243	5654763	DOMINIC V VENICE	MICHIGAN CITY	IN
244	5687856	JOHN V PROCTOR	VANCOUVER	WA
245	5689912	VAHE M SHAKHGELDYAN	SYLMAR	CA
246	5693679	JENNIFER L LESZCZYNSKI	OCEANSIDE	CA
247	5706861	SU JUNG UM	NEW YORK	NY
248	5745479	TIMOTHY C MOLINA	ABILENE	TX
249	5765060	CHRISTOPHER LAWSON	DALLAS	TX
250	5819684	MICHELLE R THOMPSON	HAMMOND	WI
251	5851614	NINA F. CASTILLO	HIALEAH	FL
252	5856659	KAYLON GOMEZ	DENHAM SPRINGS	LA
253	5869190	BOBBY G BUSH	ELIZABETHTOWN	KY
254	7292328	VALERIE ADAMES	RHOME	TX
255	8005081	MAGALI AMAYA	CARROLLTON	TX
256	8029855	FLORA DEVOE	BELLE CENTER	OH
257	8038897	MARY DEMERS	WILLISTON PK	NY
258	8042974	NANCY DAVIS	MCMINNVILLE	OR
259	8047706	JUDY A DAYAN	GREENWOOD	IN
260	8047866	MAYRA R ELSAFI	FLAGSTAFF	AZ
261	8060688	KENNETH INGRAHAM	BRANSON	MO
262	8079351	JOHN P KRAMER	AVON	IL
263	8097452	LUCY H QUINN	ALGONQUIN	IL
264	8130427	FRANCES R TUCKER	SHERMAN	TX
265	8194074	LISA M CAMP (SILVERIO)	ASHLAND	MA
266	8212824	BRIAN C ENGLES	N FALMOUTH	MA
267	8222450	CLAIRE ROISE	RALEIGH	NC
268	8236970	JASON C ENGEL	FREDERICK	MD
269	8249626	MARGARET GILMORE	BROOKLINE	MA
270	8267357	LUCY TORRES	ISABELA	PR
271	8286905	SHARI L KUCK	THE VILLAGES	FL
272	8292379	MICHAEL KELSEY	ELIZABETHTOWN	PA
273	8294318	JANELLE E MAYNARD	FORT ANN	NY
274	8315838	JESSICA L BENEDICT	PITTSBURGH	PA
275	8322945	KARA E BURLINGAME	ALTAMONT	NY
276	8335504	LISA M SMITH	HORNELL	NY

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Count	Unique ID	Name	City	St
277	8364888	SAMUEL S FIERSTEIN	FLUSHING	NY
278	8383566	BRIAN REDMOND	PITTSBURGH	PA
279	8383585	EBENECIA TWUMBAAH	SUWANEE	GA
280	8391630	PAUL B FITZSIMONS	SAN ANSELMO	CA
281	8411497	KAYE L FRYE	ROCHESTER HLS	MI
282	8434272	KAILLY L MUTHARD	NEW TRIPOLI	PA
283	8484759	LAWRENCE P KRICHEN	GETTYSBURG	PA
284	8579815	COREY SABA	CHANTILLY	VA
285	8587338	CLYDE W CAMPBELL	GERMANTOWN	MD
286	8594715	CATHY S DRIVER	ALEXANDRIA	VA
287	8635714	JULIE L ZIEGLER	SUMMERTON	SC
288	8645222	KIMBERLY J NESBITT	INMAN	SC
289	8650611	JADEN C CASKIE	ANDERSON	SC
290	8673870	LEIGH E WISE	MCDONOUGH	GA
291	8686917	LYDIA BATES	JACKSONVILLE	FL
292	8695393	KOREY P KELLER	INDIANAPOLIS	IN
293	8713199	PATRICK J GALLAGHER	ZANESVILLE	OH
294	8721330	JENNIFER D RICHARDS	CALDWELL	OH
295	8740682	BETTY J WILLIAMS	LINCOLN	IL
296	8758973	JESSICA L FRANKLIN	SARAHSVILLE	OH
297	8796431	KIMBERLY A PURMANN	LOMBARD	IL
298	8851849	GEORGE K QUINN	ALGONQUIN	IL
299	8855486	MALLORIE HEJMEJ	MARSHALL	MO
300	8898402	MARIBEL C ARANA	SAINT CLOUD	MN
301	8926216	SHAWNA M HINDERLITER	GLENVIEW	IL
302	8926807	RICHARD E CREGER	TOLEDO	OH
303	8930252	BELINDA JACKSON	FRISCO	AL
304	8952762	ADAM S TOOLEY	NEWPORT	AR
305	8965122	SHARON R BREAUX	LOUISVILLE	KY
306	8978207	RAYMOND L MIDKIFF	ARLINGTON	TX
307	9022995	SUE DYER	KENNESAW	GA
308	9024484	DOROTHY A HAHN	KNOXVILLE	TN
309	9052113	JESSIE L WILLIFORD	BLUE MOUNTAIN	MS
310	9064037	JOHN H HOOD	HOLLY BLUFF	MS
311	9075843	DONNIE W FRANKLIN	HOUSTON	TX
312	9105723	JAMES C KNIGHT III	MONROE	LA
313	9159049	MARY ANN PEREZ	HOUSTON	TX
314	9163614	PAMELA R MCCLAIN	OWENSVILLE	MO
315	9173736	WILLIAM H GIBSON	ROSENBERG	TX
316	9185158	SEAN M MENNE	SAINT PETERS	MO
317	9211750	MICHAEL L THOMASON	HAPPY VALLEY	OR
318	9216951	ANNA M MOHLMAN	RED CLOUD	NE
319	9221514	JEFFRY F GRANTHAM	W DES MOINES	IA
320	9230403	MICHELE BRODEUR	FENTON	MO
321	9236476	HAILEY J BRUSTUEN	MADISON	WI
322	9237213	JACK BRODEUR	FENTON	MO

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Count	Unique ID	Name	City	St
323	9238037	JOSH M BILL	BELLE PLAINE	MN
324	9238417	STRACY GARIBAY	WEST HAVEN	UT
325	9238491	LOUSENDA STILLMAN	LAKWOOD	CO
326	9244873	ROGER E KELSEY	WICHITA	KS
327	9246090	SANJEDA SULTANA	CARY	NC
328	9248804	PAMELA J MOELLER	HOUSTON	TX
329	9266953	JANE M HAYDEN	KIRKSVILLE	MO
330	9288026	KATE E KIRK	SPOKANE	WA
331	9304357	LLANA N NAUGHTON	AUBURN	WA
332	9371094	DIANE L KALLGREN	RENTON	WA
333	9374716	MAGARET VANCLEAVE	SANTA ANA	CA
334	9375087	CARLA S GILBERTSON	CLAREMORE	OK
335	9387942	BIANA L WEATHERFORD	CORVALLIS	OR
336	9389916	MELODY WILLIAMS	MESA	AZ
337	9405556	WILLIAM B MARTIN-BLACK	HONOLULU	HI
338	9424855	MARIANO MARCANO-VELAZQUZ	SAN JUAN	PR
339	9471887	JARED L JONES	JUNEAU	AK
340	9480584	WALESKA RAMIREZ ACOSTA	CABO ROJO	PR
341	9484312	ERIN E BAMBERY	LOOMIS	CA
342	9486161	VILMA I RODRIGUEZ	TOA BAJA	PR
343	9497497	AMETHYST STEVENSON	SOUTHAVEN	MS
344	9521108	OLGA GONZALEZ SAEZ	COTO LAUREL	PR
345	9523558	KIM A MELLIES	JACKSONVILLE	FL
346	9533749	JOY N SINSONGSERM	LA MIRADA	CA
347	9544112	PHILLIP B ROSE	SAN JOSE	CA
348	9545785	PHILLIP CARTER	SAVOY	TX
349	9559204	AMY L COOPER	RIVERDALE	MD
350	9605914	DANIELLE N ROBELLO	CHULA VISTA	CA
351	9611084	RYAN A BOWLING	PREScott VALLEY	AZ
352	9615700	ANAMARIA M CRUZ	COLORADO SPGS	CO
353	9617189	CANDICE Y SCHENCK	ST PETERSBURG	FL
354	9691746	AMBER N BEYE	HESPERUS	CO
355	9700154	KLARA GAL	N. HOLLYWOOD	CA
356	9700488	ROYA LOTFI	ROCHESTER HLS	MI
357	10020505	RENITA WILLIAMS	NEWPORT NEWS	VA
358	10024324	ANASTASIYA PETROVA	PORTLAND	OR
359	30055572	ADRIA LORMIS	TUSTIN	CA
360	30138649	DAVID ALDRIDGE JR	MIAMI GARDENS	FL
361	30147482	DENNIS CLAYBROOK	TUCSON	AZ
362	30189431	SUSAN BLAKELYLAND	NAPA	CA
363	30241461	REBECCA S DRULLINGER	WENTZVILLE	MO
364	30283395	MENDEZ MARTINEZ ANA	CAROLINA	PR
365	30298014	ANDREW W SMITH	JOHNSON CITY	TN
366	30298072	FAWN PHAM	LA MESA	CA
367	30309656	DINO DRUDI	ALEXANDRIA	VA
368	30436175	SARAH HELFRICH	WESTMINSTER	CA

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Count	Unique ID	Name	City	St
369	30522715	EDWARD MATHIESON	RENTON	WA
370	30529810	LINDA WILSON	SUTTONS BAY	MI
371	30539520	KATHLEEN L HOESING	CONCORD	NE
372	30541418	JEAN E DITCH	MOUNT MORRIS	MI
373	30546426	TINA M COPE	PADUCAH	KY
374	30552152	JEROME L GALVAN	DALLAS	TX
375	30569537	KATRINA SANTOS	HOMESTEAD	FL
376	30640411	DANNY YARBROUGH	MABELVALE	AR
377	30641400	MARGIE TYLER	HOT SPRINGS NATIONAL PARK	AR
378	30660380	CLARE WELCH	BRANCH #1	NV
379	30660984	MARK J PECOR	TINLEY PARK	IL
380	30665701	KATHLEEN L WARN	DARIEN	WI
381	30671941	OTHNIEL McDOWELL	MIAMI GARDENS	FL
382	30706160	SHERRY FOX	BUCKLEY	WA
383	30802747	ERIC ROBERTS	BREMERTON	WA
384	30819559	ANGIE WILSON	TULSA	OK
385	30880949	LORINE PALMERO	FOLSOM	CA
386	30936437	RAMON CARRERA	HOUSTON	TX
387	30947021	JOHN K MCFARLIN III	TULSA	OK
388	30994755	DANIEL HILL	NEWPORT NEWS	VA
389	31104964	COSIMA COLVIN	SAN ANTONIO	TX
390	31165470	MARY A FRONCE	MOUNT VERNON	OH
391	31167348	FLORA E ROBERTSON	BUTLER	PA
392	31248799	JAMES JARRARD	GREENSBORO	GA
393	31254844	PETER WYATT	NEWBURYPORT	MA
394	31256846	ANGELA MICK	NORTH LAS VEGAS	NV
395	31287103	CHARLES NICHOLS	CHOCTAW	OK

**UNITED STATES DISTRICT COURT**  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARK A. ARTHUR, et al.,

Plaintiffs,

v.

SALLIE MAE, INC.,

Defendant.

JUDGMENT IN A CIVIL CASE

CASE NO. C10-0198JLR

- Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to consideration before the court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

The court granted final approval of the amended class settlement.

Filed this 17th day of September, 2012.

WILLIAM M. MCCOOL  
Clerk of Court

s/Mary Duett  
Deputy Clerk